REMARKS

This application is believed to place it in condition for allowance at the time of the next Official Action.

Applicant previously elected Group I, drawn to a method and system of managing batches of immunocompetent cells for deferred use, and species I-A (human cells); II-i (blood sample); III-A (bioelectronic information); and IV-C (implemented in a therapeutic protocol including a step for checking the harmlessness of the lymphocytes before re-injection).

Prior claims are cancelled without prejudice.

Claim 36 is new and is supported by the specification of the present application, particularly from page 14, line 14 to page 15, line 20, and in page 16, lines 6-14. Claim 36 reads on the previously elected Group I drawn to a method and system of managing batches of immunocompetent cells for deferred use, and species I-A (human cells); II-i (blood sample); III-A (bioelectronic information); and IV-C (implemented in a therapeutic protocol including a step for checking the harmlessness of the lymphocytes before re-injection). Claim 33 has been amended consistent with claim 36.

Claim 37 corresponds to the collecting status-characterization step of claim 1. Claims 38-39 correspond to claims 15-16. Claim 40 corresponds to claim 2. Claim 41-42 correspond to claims 17-18. Thus, no new matter is entered by

way of these new claims. These claims also read on the elected Group I/species.

Withdrawn Rejection

Claim 1 was rejected under nonstatutory obviousness-type double patenting in view of claims 1 and 7 of U.S. Patent No. 6,415,201 in view of LEFESVRE WO 1999/053030.

The Advisory Action of June 23rd indicates that this rejection is withdrawn.

Pending Rejection

Two remaining rejections were maintained by the Advisory Action.

The further response provided in the Advisory Action has been carefully considered and is addressed below.

I. Claims 1, 15-18, 20, 25, 30-33, and 35 were rejected under 35 USC 103(a) as allegedly being obvious over LEFESVRE WO 1999/053030. This rejection is traversed.

II. Claims 1, 2, 15-18, 20, 21, 25, and 30-35 were rejected under 35 USC 103(a) as allegedly being obvious over LEFESVRE in view of CHA (Physiol. Meas. 1994, …). This rejection is also traversed.

With respect to new claim 36 in particular, LEFESVRE discloses:

- constituting a personal cell library,

- collecting, during each cell collection, personal data relative to the subject and data relative to the collection step, and
- collecting, during a re-use stage, new data relative to the subject, in view of studies and statistic processing.

However, LEFESVRE **does not disclose:**

- use of an expert system for generating subject's identity data, wherein said status-characterizing information corresponding to said subject are entered in the form of biological items to which a set of rules stored in a knowledge base is applied,
- a process for determining a deferred-use protocol comprising biological and technical indications required for cell processing before re-use, implemented into an expert system, and
- upon prescription of a deferred-use, determining parameters including optimal proportions of various selected types of cells among cells stored in the personal cell library.

In the present invention, a deferred-use protocol is implemented into an expert system, and is enhanced and updated

all along the cell-collection stages. After a re-use prescription, parameters for this deferred-use protocol are determined, including optimal proportions between selected types of collected cells.

Therefore, the process of elaborating the deferred-use protocol is quite a permanent process all along the successive stages of cell collection and cell re-use during the subject's life, both before re-use prescriptions and after re-use prescription. This permanent process is enabled due to the use of an expert system wherein status-characterizing information corresponding to the subject are entered in the form of biological items to which a set of rules stored in a knowledge base is applied.

On the contrary, in LEFESVRE, such a process for determining a deferred-use protocol is not relevant since the problematic of optimizing the deferred-use of collected cells is not raised at all. In fact, the main concern described in LEFESVRE is to ensure that batches of cells will always be available in case of a request of re-use for a determined subject.

One skilled in the art of immunocompetent cell management could not find in LEFESVRE any teaching or orientation towards a process for determining a deferred-use protocol which would be based on an expert system provided for processing biological items by a set of rules. In fact, he would be prevented from

implementing said protocol determination process since LEFESVRE merely teaches an access to a cell management base for getting personal data and data relative to the collecting steps, and suggests collecting new personal data only in view of "studies and statistic processing".

In the Advisory Action, it is contended that "the motivation would have been to improve system productivity using the latest computer based-methods for identifying batches of cells." In fact, the problem solved by the present invention is not a matter of system productivity but rather a concern for cell deferred-use process optimization. Such an optimization is not exposed nor suggested in LEFESVRE.

For all these reasons, the Applicant maintains that the present invention according to Claim 36 is not obvious over LEFESVRE. Claim 33 is non-obvious for the same reasons.

The dependent claims are non-obvious at least for depending from an non-obvious claim.

Reconsideration and allowance of all the claims are respectfully requested.

In view of the foregoing Remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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